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JUNE 19, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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MAY 30 2008
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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

ROBERT E. CHENCINSKI, JR.

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

THOMAS DART, SHERIFF,
COOK COUNTY, ILLINOIS

SUPT. ANDERSON, SUPERVISOR
COOK COUNTY DEPARTMENT OF
CORRECTIONS,

CAPTAIN DARCY, GRIEVANCE LIAISON
COOK COUNTY, DIVISION SIX
COOK COUNTY DEPARTMENT OF CORRECTIONS
(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

08CV3130
JUDGE GETTLEMAN
MAG. JUDGE ASHMAN

Case 1
(To be signed by the Clerk of this Court)

CHECK ONE ONLY:

- XXXXX **COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983**
U.S. Code (state, county, or municipal defendants)
- COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE**
28 SECTION 1331 U.S. Code (federal defendants)
- OTHER** (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

PRISONER CORRESPONDENCE FORM

Please fill out and return this form along with any other pleading you wish to submit to the court. It is your responsibility to keep the court advised of your current address in order for you to receive orders from the court. Failure to do so may result in dismissal of your case for want of prosecution. Once the Prisoner Correspondent records this information, this form will be destroyed.

PLEASE PRINT

1. Name: ROBERT E. CHENCINSKI, JR.
(First) (Middle) (Last)
List Alias Names, if any: JOHN BOERNER

2. Any Current/Prior
Prison ID Number(s): IDOC #B-75443
Name of Prison(s): SHAWNEE CORRECTIONAL CENTER
3. Jail ID Number(s): 20060056796
Name of Jail(s): COOK COUNTY DEPARTMENT OF CORRECTIONS
4. Date of Birth: 9/14/69
5. Home Address (Do not use P.O. Box):
Street Name and Number: NOT APPLICABLE, HEREINAFTER N/A
City, State and Zip Code: N/A

I. Plaintiff(s):

- A. Name: ROBERT E. CHENCINSKI, JR.
- B. List all aliases: JOHN BOERNER (AKA)
- C. Prisoner identification number: B-75443
- D. Place of present confinement: SHAWNEE CORRCETIONAL CENTER, VIENNA,
ILLINOIS
- E. Address: 6665 STATE ROUTE 146 EAST, VIENNA, ILLINOIS, 62995

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: THOMAS DART
Title: SHERIFF, COOK COUNTY, ILLINOIS
Place of Employment: COOK COUNTY, DEPARTMENT OF CORRECTIONS,
HEREINAFTER, CCDOC,
- B. Defendant: SUPT. ANDERSON, FIRST NAME UNKNOWN,
Title: SUPERINTENDENT, DIVISION SIX, CCDOC,
Place of Employment: CCDOC, DIVISION SIX
- C. Defendant: CAPTAIN DARCY, FIRST NAME UNKNOWN,
Title: CAPTAIN, DIVISION SIX, GRIEVANCE LIAISON,
Place of Employment: CCDOC, DIVISION SIX

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: N/A
- B. Approximate date of filing lawsuit: N/A
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: N/A
- D. List all defendants: N/A
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): N/A
- F. Name of judge to whom case was assigned: N/A
- G. Basic claim made: N/A
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A
- I. Approximate date of disposition: N/A

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

I was lodged in Cook County Department of Corrections as a pre-trial detainee on 7/26/06. I was placed in Division six, CCDOC, which is divided into several division, division six is located at 2650 S. California, in the city of Chicago. Upon arriving at division six the facility was open. In other words inmates were locked in their cells at bedtime hours only. CCDOC was under the control of the Sheriff of Cook County. Cook County had a change in elected sheriff and Defendant #1, Sheriff Dart was in control when my Constitutional Rights were violated. Sheriff Dart was in charge of CCDOC and is responsible for custody, and care, both physically and medically of all inmates in CCDOC. Upon taking control has Sheriff, Defenant Dart installed procedural changes in division six. Among those changes, Sheriff Dart started a 18/6 lock-down procedure. 18/6 means that inmates are locked in their cells for 18 hours a day, and allowed day-room activities, including yard and gym for six hours a day. Somedays we were locked in a two man cell for up to 27 hours a day due to the fact you were out one day in the morning and the next day not let out of your cell until the afternoon. Overcrowding in division six forced three men to be housed in each two

man cells. Defendant #2 Supt. Anderson, first name unknown, was in charge directly of division six. he was responsible for day to day operations and to enforce Sheriff Dart's procedures. Division six had many operational malifunctions, there was no ventilation, ice machines that provided daily ice to inmates had been non-operational. C/O assigned to the deck said exhaust system was in need of repair. At times tempertures exceed 100 degrees. Breathing was difficult. I filed grievances to address the lack of ventilation, no panic buttons to alert C/O of medical problems while on lock-down and the issue that no C/O were assigned to the decks to hear requests for assistance during lock-downs. In March it was already getting warm and by May 2007, it so hot, I felt dizzy while in my cell on lock-down I blacked out and hit my head on the steel bunk bed. I injured my head and eye upon impact with the bunk. I recieved a severe black eye, but was not permitted any medical treatment. I could not even apply ice to my injured eye due to the ice machine being broke. I filed a grievance on the incident. I stated that my health was at risk and inadequate health treatment. I feel that CCDOC's Defendant's actions constituted an Eighth Amendment violation of my Constitutional guaranteed Right to be free from cruel and unusual punishments. CCDOC never repaired any of my grieved issues nor did they respond to my filed grievances regarding ventilation, ice machines, and panic buttons. I continued to put in for nurse sick-call requests until I was finally seen. After being examined and explaining to the nurse what

page five, A, Statement of Claim, con't

what had taken place, she put me through to see the doctor. The doctor put in to see an eye-specialist. The eye-specialist said I had eye damage to the 'Maxiofacial nerves to the left-side medially'. He ordered botox-injections to stop my eye from twitching involuntarily. The botox injections were never approved by the HMO for CCDOC inmates. I continued to see the eye-specialist but never recieved any treatment. The heat in CCDOC at division six continued to increase until Superintendent Anderson allowed division six to come off the 18/6 lock-down to ease the overheating of the inmates. The lock-down was lifted during the months of July and August 2007. Also industrial fans were placed on the decks to help ease the heating problem. In September of 2007, a different Superintendent took over operations at division six, and again enforced the 18/6 schedule. The only difference was the six hours out was split 3 hours in the morning and 3 hours in the afternoon or evening. The ventilation and ice machine were not repaired. I was transferred to the Illinois Department of Corrections to Shawnee Correctional Center on January 11, 2008 and never recieved any treatment before my transfer, for my nerves in my eye or the muscular reactions that are visual to my appearance and does not allow me total use of my left eye. I named Captain Darcy Defendant #3, cause he addressed and was responsible for answering inmate grievances, which were never addressed or responded to.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff's relief is sought as actual and exemplary damages. Actual
damages are sought as a matter of Right for the Defendant's violating
Plaintiff's Constitutional Eighth Amendment Right. Plaintiff has suf-
fered irreparable damage to his left eye that cause disfigurement.
Some disfigurement may be alleviated with continuos professional medi-
cal treatment. Plaintiff seeks the monetary sum of 500,000 dollars
 con't

VI. The plaintiff demands that the case be tried by a jury. ☐ YES ☒ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 26 day of MAY, 20 08

Robert E. Chencinski Jr.
 (Signature of plaintiff or plaintiff's)

ROBERT E. CHENCINSKI, JR.

(Print name)

IDOC #B-75443

(I.D. Number)

SHAWNEE CORRECTIONAL CENTER

6665 STATE ROUTE 146 EAST

VIENNA, ILLINOIS 62995

(Address)

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for his disfigurement and future medical needs. Plaintiff also seeks 1,500,000 dollars for exemplary or punitive damages, due to the Defendant's not addressing the Constitutional violations that happened and allowing the problems to continue and indangering the Plaintiff's health further.